

STATE OF MICHIGAN
STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES

ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF: [REDACTED],
Claimant

Reg. No: 2010-5194
Issue No: 1005; 2006; 3008
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
December 16, 2009
Saginaw County DHS

ADMINISTRATIVE LAW JUDGE: Suzanne L. Keegstra

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37 upon claimant's request for a hearing. After due notice, a telephone hearing was held on December 16, 2009. The claimant personally appeared and provided testimony.

ISSUE

Did the department properly terminate the claimant's Medical Assistance (MA), Family Independence Program (FIP) and Food Assistance Program (FAP) benefits for failure to participate in her in-person redetermination interview in September, 2009?

FINDINGS OF FACT

The Administrative Law Judge, based upon the competent, material and substantial evidence on the whole record, finds as material fact:

1. The claimant's FIP, FAP and MA case came due for a redetermination during the month of September, 2009. (Department Exhibit 2).

2. The claimant was mailed a Redetermination form (DHS-1010) on August 19, 2009, scheduling an in-person interview for September 3, 2009 and requiring the claimant to complete the form and return it at that time. (Department Exhibit 2).

3. The claimant did not attend the appointment and was mailed a Notice of Missed Interview (DHS-254) on September 3, 2009. This notice informed the claimant that she must reschedule the interview prior to September 30, 2009 or her redetermination would be denied. (Department Exhibit 6).

4. The claimant left a voicemail message for the department worker about the missed appointment on September 8, 2009. The claimant left a telephone number for the department to contact her, however, when the department called the number, it was not in service.

5. When the department could not reach the claimant, the department worker mailed the claimant a new Appointment Notice (DHS-170), scheduling her in-person interview for September 24, 2009. (Department Exhibit 12).

6. On September 23, 2009, the claimant called and left a message with a new telephone number. The department called this number and that number was also not in service.

7. The claimant did not attend the scheduled interview. The department mailed the claimant a Notice of Case Action, informing the claimant that her FIP, FAP and MA was closing as of September 30, 2009 due to the claimant's failure to return the redetermination form and participate in the personal interview. (Department Exhibit 7 – 11).

8. The claimant submitted a hearing request on September 29, 2009.

CONCLUSIONS OF LAW

The Family Independence Program (FIP) was established pursuant to the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, Public Law 104-193, 8 USC 601, *et seq.* The Department of Human Services (DHS or department) administers the FIP program pursuant to MCL 400.10, *et seq.*, and MAC R 400.3101-3131. The FIP program replaced the Aid to Dependent Children (ADC) program effective October 1, 1996. Department policies are found in the Program Administrative Manual (PAM), the Program Eligibility Manual (PEM) and the Program Reference Manual (PRM).

The Medical Assistance (MA) program is established by Title XIX of the Social Security Act and is implemented by Title 42 of the Code of Federal Regulations (CFR). The Department of Human Services (DHS or department) administers the MA program pursuant to MCL 400.10, *et seq.*, and MCL 400.105. Department policies are found in the Program Administrative Manual (PAM), the Program Eligibility Manual (PEM) and the Program Reference Manual (PRM).

The Food Assistance Program (FAP) (formerly known as the Food Stamp (FS) program) is established by the Food Stamp Act of 1977, as amended, and is implemented by the federal regulations contained in Title 7 of the Code of Federal Regulations (CFR). The Department of Human Services (DHS or department) administers the FAP program pursuant to MCL 400.10, *et seq.*, and MAC R 400.3001-3015. Department policies are found in the Program Administrative Manual (PAM), the Program Eligibility Manual (PEM) and the Program Reference Manual (PRM).

Department policy states:

**CLIENT OR AUTHORIZED REPRESENTATIVE
RESPONSIBILITIES**

Responsibility to Cooperate

All Programs

Clients must cooperate with the local office in determining initial and ongoing eligibility. This includes completion of the necessary forms. PAM, Item 105, p. 5.

Refusal to Cooperate Penalties

All Programs

Clients who are able but refuse to provide necessary information or take a required action are subject to penalties. PAM, Item 105, p. 5.

Verifications

All Programs

Clients must take actions within their ability to obtain verifications. DHS staff must assist when necessary. See PAM 130 and PEM 702. PAM, Item 105, p. 8.

Timeliness Standards

All Programs (except TMAP)

Allow the client 10 calendar days (**or** other time limit specified in policy) to provide the verification you request. If the client cannot provide the verification despite a reasonable effort, extend the time limit at least once. PAM, Item 130, p. 4.

Send a negative action notice when:

- . the client indicates refusal to provide a verification, **or**
- . the time period given has elapsed and the client has not made a reasonable effort to provide it. PAM, Item 130, p. 4.

MA Only

Send a negative action notice when:

- . the client indicates refusal to provide a verification, **or**
- . the time period given has elapsed. PAM, Item 130, p. 4.

The claimant testified that she did receive the redetermination materials for her annual review of her MA, FAP and FIP benefits. The claimant clearly did receive the materials when they were mailed on August 19, 2009, as she called to reschedule the required personal interview. The claimant admitted that she did miss the initial interview as she has some memory problems. The claimant testified that she called several times after the missed appointment to reschedule the appointment.

The department testified that the claimant left a few messages with two different telephone numbers to contact her about rescheduling the appointment. However, both numbers were not in service when the department telephoned the claimant. The claimant admits that this could be true as she was having problems with these phones and her service was turned off.

The claimant testified that she moved on September 3, 2009, to a new address. The claimant testified that she didn't receive the September 18, 2009, Appointment Notice (setting the new appointment for September 24, 2009) until the afternoon of September 24, 2009, after the appointment had already been scheduled. The claimant testified that she had her mail forwarded and that the department used the old address, which caused it to be late as it had to be forwarded. The claimant further testified that she called and left her new address with the department. However, the case worker testified that she did receive one message that the claimant had moved, but that no new address was provided.

The department used the claimant's previous address, on Cashimir Street, throughout this entire time period. Even the Notice of Case Action is addressed to the [REDACTED] address. This would support that the department did not receive any new address from the claimant during this time period. If the department had received the new address, some of the documents would have been sent to the claimant's new address on [REDACTED]. However, this new

address was not used by the department until after the claimant turned in a State Emergency Relief (SER) application including the new address on October 8, 2009.

The claimant was clearly instructed on the Redetermination form that she was to turn in the completed form and all verifications by September 3, 2009. The claimant did not turn in the completed form. Nor did the claimant attend the personal interview. Department policy does require a personal interview for FIP and MA redeterminations and in-person or telephone interview for FAP redeterminations. PAM 210. The claimant is required to comply with the department in providing the verification materials necessary to allow the department to determine initial or ongoing eligibility, which, in this case, is the Redetermination form and verifications. PAM 105.

In this case, the claimant failed to return her Redetermination form and failed to attend the personal interview. The department attempted to call the claimant at the two telephone numbers provided and neither number was in service. The department then mailed the claimant a new Appointment Notice, scheduling her for another personal interview. The claimant did not attend that interview. The evidence suggests that while the claimant indicated she had moved in a telephone message, she did not provide the new address to enable the department to mail any materials to the new address. Thus, this Administrative Law Judge finds that the department acted in accordance with policy and made multiple attempts to accommodate the claimant.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the department properly terminated the claimant's FIP, FAP and MA benefits in September, 2009 because the claimant had not participated in a personal interview and did not return the required verifications for her redetermination.

Accordingly, the department's actions are UPHeld. SO ORDERED.

/s/

Suzanne L. Keegstra
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: February 23, 2010

Date Mailed: March 2, 2010

NOTICE: Administrative Hearings may order a rehearing or reconsideration on either its own motion or at the request of a party within 30 days of the mailing date of this Decision and Order. Administrative Hearings will not order a rehearing or reconsideration on the Department's motion where the final decision cannot be implemented within 90 days of the filing of the original request.

The Claimant may appeal the Decision and Order to Circuit Court within 30 days of the mailing of the Decision and Order or, if a timely request for rehearing was made, within 30 days of the receipt date of the rehearing decision.

SLK 

cc:

